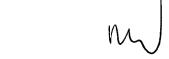


## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,058	12/04/2000	Anke Krasemann	GR 99 P 5363	6468
75	90 12/31/2001			
LERNER AND GREENBERG, P.A.			EXAMINER	
POST OFFICE HOLLYWOOD	BOX 2480 , FL 33022-2480	2-2480 LUU, PHO M		
			ART UNIT	PAPER NUMBER
			2824	
			DATE MAILED: 12/31/2001	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/729,058 Applicant(s)

Krasemann et al.

Examiner

Art Unit

		Pho Luu	2824	
	The MAILING DATE of this communication appears	s on the cover sheet with the corres	pondence addre	·ss
	for Reply	T TO EVENE 4		
	ORTENED STATUTORY PERIOD FOR REPLY IS SE MAILING DATE OF THIS COMMUNICATION.	I TO EXPIRE MONTH	I(S) FROM	
- Exte	nsions of time may be available under the provisions of 37 (		may a reply be tin	nely filed
- If the	ter SIX (6) MONTHS from the mailing date of this communi a period for reply specified above is less than thirty (30) day		n of thirty (30) da	ys will
	e considered timely. ) period for reply is specified above, the maximum statutory	period will apply and will expire SIX (6	6) MONTHS from	the mailing date of thi
CC	ommunication. re to reply within the set or extended period for reply will, b			-
- Any	reply received by the Office later than three months after th			
ea Status	arned patent term adjustment. See 37 CFR 1.704(b).			
1) 🗆	Responsive to communication(s) filed on			
2a) 🗌	This action is <b>FINAL</b> . 2b) 💢 This ac	tion is non-final.		
3) 🗆	Since this application is in condition for allowance closed in accordance with the practice under Ex pa			merits is
Disposi	tion of Claims			
4) 💢	Claim(s) <u>1-20</u>	is/are	pending in the	application.
4	a) Of the above, claim(s)	is/ar	e withdrawn fro	om consideration.
5) 🗆	Claim(s)		is/are allowed.	
6) 🗆	Claim(s) is/are rejected.			
7) 🗆	Claim(s)		is/are objected	to.
8) 💢	Claims <u>1-20</u>	are subject to restric	tion and/or elec	tion requirement.
Applica	tion Papers			
9) 🗆	The specification is objected to by the Examiner.			
10)	The drawing(s) filed on is/are	e objected to by the Examiner.		
11)	The proposed drawing correction filed on	is: a) 🔲 approved	b)□ disapprove	ed.
12)	The oath or declaration is objected to by the Exam	iner.		
Priority	under 35 U.S.C. § 119			
13) 🗆	Acknowledgement is made of a claim for foreign p	riority under 35 U.S.C. § 119(a)-	(d).	
a) 🗆	] All b)□ Some* c)□ None of:			
•	1. $\square$ Certified copies of the priority documents hav	ve been received.		
:	2. $\square$ Certified copies of the priority documents hav	ve been received in Application N	0	
	3.  Copies of the certified copies of the priority dapplication from the International Bure the attached detailed Office action for a list of the	eau (PCT Rule 17.2(a)).	this National St	age
	Acknowledgement is made of a claim for domestic	·	e).	
1 ** a a b m e	netal			
Attachme 15) □ No	ent(s) tice of References Cited (PTO-892)	18) Interview Summary (PTO-413) Paper N	Jo(s)	
. —	tice of Draftsperson's Patent Drawing Review (PTO-948)	19) Notice of Informal Patent Application (		
	ormation Disclosure Statement(s) (PTO-1449) Paper No(s).	20) Other:	•	

Application/Control Number: 09/729,058 Page 2

Art Unit: 2824

## **DETAILED ACTION**

## Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-4, drawn to a method of producing an oxidation protected electrode for a capacitive electrode structure, classified in class 438, subclass 264.

Group II. Claims 5-20, drawn to a capacitive electrode structure, classified in class 257, subclass 59.

2. The inventions are distinct, each from the other because of the following reasons: Inventions groups I and II are related as a method of producing an oxidation protected electrode for a capacitive electrode structure, and a capacitive electrode structure. The inventions are distinct if either or both of the following can be shown: (1) that a method of producing as claimed can be used to make other and materially different with a capacitive electrode structure or (2) that a capacitive electrode structure as claimed can be made by another and materially different with method (MPEP \$ 806.05(f)). In the instant case (2) a method of producing an oxidation protected electrode for a capacitive electrode structure forming a metal oxide layer on a substrate, applying an oxidation inhibiting layer to configured to be impervious to oxygen atoms on the metal oxide layer that is different with the material of a capacitive electrode structure including a semiconductor substrate, a metal. oxide layer formed on said semiconductor substrate.

Application/Control Number: 09/729,058

Page 3

Art Unit: 2824

3. Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper.

4. A telephone call was made to Gregory L. Mayback on December 12, 2001 to discuss the

restriction issue of this application, but was unable to search.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner

should be directed to Pho M. Luu whose telephone number is (703) 306-5943. The examiner can

normally be reached on Monday through Friday from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richard Elms, can be reached on (703) 308-2816. The fax phone number for this

group is (703)-308-7722.

Any inquiry of a general or relating to the status of this application or proceeding should

be directed to the group receptionist whose telephone number is (703) 308-0956.

Pho M. Luu Art Unit 2824

December, 2001.

Primary Examiner